

REMARKS

Director Elliott and Examiner Peselev are thanked for having graciously held a telephone interview with Dr. Timothy Creagan and the undersigned on August 31, 2005. The present application and Bright et al., U.S. P. No. 4,474,768 (hereinafter "Bright") were discussed. It was agreed that a rule 132 declaration be filed to clarify the issue of whether Example 3 of Bright inherently produces substantially pure crystalline azithromycin monohydrate hemi-ethanol solvate.

Applicants hereby enclose a copy of Dr. Helen Hangac's rule 132 declaration which was originally filed in connection with U.S. Serial No. 07/449,961. As shown in Dr. Hangac's declaration, the process in Example 3 of Bright produces DOES NOT produce substantially pure crystalline azithromycin monohydrate hemi-ethanol solvate. Therefore, Bright does not inherently anticipate the presently pending claims. Accordingly, favorable consideration of all pending claims and withdrawal of any objections based on Bright are respectfully requested.

CONCLUSION

In view of the Rule 132 declaration and the remarks, further and favorable considerations of the presently pending claims and the issuance of a Notice of Allowance are respectfully requested.

It is believed that no fee is required in connection with the filing of the present Second Supplemental Response. However, if any fees are required, the Commissioner is authorized to charge such fees to our Deposit Account No. 16-1445.

Respectfully submitted,

Date: Aug. 31, 2005

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